



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**Washington, DC 20460**

OFFICE OF  
GENERAL COUNSEL

Kevin Bogardus  
122 C Street NW  
Suite 722  
Washington, D.C. 20001

Re: Freedom of Information Act Request No. EPA-2020-000544

Dear Mr. Bogardus:

This letter serves as the final response to the above-referenced Freedom of Information Act (FOIA) request. Your request was received by the U.S. Environmental Protection Agency (EPA or Agency) on October 23, 2019, requesting all communications records related to the preparation, creation, implementation, reaction, transmission and non-transmission of the "report" and/or "explanation" required under Office of Management and Budget guidance regarding EPA's Anti-deficiency Act violation identified in the April 16, 2018 Government Accountability Office opinion titled "Subject: U.S. Environmental Protection Agency—Installation of Soundproof Privacy Booth," B-329603.

The Agency has concluded its search for records responsive to your request. EPA is releasing these records with redactions. Portions of the records were withheld pursuant to 5 U.S.C. § 552 (b)(5) and (6). The information is exempt from disclosure as it is pre-decisional and deliberative and would harm agency decision-making if released, confidential communication between an attorney and client or contains personal information which would result in an unwarranted invasion of personal privacy if released. EPA identified the applicable exemptions in the redaction overlay text on the records.

If you need any further assistance or would like to discuss any aspect of your request, you may seek assistance from EPA's FOIA Public Liaison at [hq.foia@epa.gov](mailto:hq.foia@epa.gov) or call (202) 566-1667. You may also seek assistance from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001; email: [ogis@nara.gov](mailto:ogis@nara.gov); telephone: (202) 741-5770 or (877) 684-6448; or fax: (202) 741-5769. For all media inquiries, please contact [press@epa.gov](mailto:press@epa.gov).

Your appeal must be in writing, and it must be received no later than 90 calendar days from the date of this letter. The Agency will not consider appeals received after the 90-calendar-day limit. Appeals received after 5:00 p.m. EST will be considered received the next business day. The appeal letter should include the FOIA tracking number listed above. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should

be marked "Freedom of Information Act Appeal." If you need any further assistance or would like to discuss any aspect of your request, you may seek assistance from EPA's FOIA Public Liaison at [hq.foia@epa.gov](mailto:hq.foia@epa.gov) or call (202) 566-1667. You may also seek assistance from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001; email: [ogis@nara.gov](mailto:ogis@nara.gov); telephone: (202) 741-5770 or (877) 684-6448; or fax: (202) 741-5769. For all media inquiries, please contact [press@epa.gov](mailto:press@epa.gov).

If you have any questions concerning this response, please contact my colleague, Shan Anderson at [Anderson.Shanquenetta@epa.gov](mailto:Anderson.Shanquenetta@epa.gov) or 202-564-8778.

Sincerely,

Daniel H. Conrad  
Acting Associate Deputy General Counsel